



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
ALLEN WIGGINS,

Petitioner,

08 **CIVIL** 3053 (GBD)(RLE)

-against-

**JUDGMENT**

ROBERT ERCOLE,

Respondent.

-----X

Whereas, the Honorable Ronald L. Ellis, United States Magistrate Judge, having issued a report and recommendation ("report") recommending that the petition for a writ of habeas corpus under 28 U.S.C. 2254 be denied, and the matter having come before the Honorable George B. Daniels, United States District Judge, and the Court, thereafter, on September 29, 2011, having rendered its Memorandum Decision and Order adopting the report in its entirety, denying and dismissing the petition for a writ of Habeas Corpus, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Decision and Order dated September 29, 2011, the report is adopted in its entirety; the petition for a writ of habeas corpus is denied and dismissed; as petitioner has not made a substantial showing of the denial of a federal right, a certificate of appealability will not issue. 28 U.S.C. 2253; the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Memorandum Decision and Order dated September 29, 2011 would not be taken in good faith.

**DATED:** New York, New York  
September 29, 2011

**RUBY J. KRAJICK**

BY:

\_\_\_\_\_  
Clerk of Court

\_\_\_\_\_  
Deputy Clerk.

**THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_**